IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 525, 526 & 528 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE JAYANT PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

PUSHPAKBHAI PARSHOTTAMBHAI PATEL

Versus

STATE OF GUJARAT

Appearance:

1. Criminal Revision Application No. 525, 526 & 528 of 2003

MR AB MUNSHI for Petitioner No. 1

Mr.K.C.Shah, addl.PUBLIC PROSECUTOR for Respondent No. 1

MR DHIRENDRA MEHTA for Respondent No. 2

MR UM SHASTRI for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE JAYANT PATEL

Date of decision: 08/12/2003

ORAL JUDGEMENT

Having heard the learned counsel for parties, it appears that the breach was committed by the petitioner which was one of the conditions for bail. However, the petitioner has come back to India and now his passport is also surrendered. Therefore, the discretion demands that the petitioner should be allowed to be continued on bail, but the petitioner can not get away from the breach committed by him without payment of penalty. Therefore, penalty should be imposed upon the petitioner which may have deterrent effect for committing breach and such penalty in my view should be Rs.15,000/-. I would have recorded further reasons for justifying the amount of penalty, however, Mr.Munshi for the petitioner submitted that the petitioner is agreeable for depositing the amount of Rs.15,000/towards penalty.

2. Considering the above, the petitioner should be allowed to continue on bail on the same terms and conditions as imposed by the learned Sessions Judge but such entitlement of the petitioner to be on bail shall be on additional condition that the petitioner pays and deposits amount of Rs.15,000/- towards penalty for breach of condition within a period of one week from today. Such amount shall be paid and deposited in the court of Ld.Sessions Judge. Further there shall also be condition that the petitioner shall not leave the State of Gujarat without prior permission of the court.

3. In view of the aforesaid, the order dated 16.10.23 of the learned sessions judge for cancelling the bail shall not operate and shall stand substituted by the present order.

5. Rule is made absolute to the aforesaid extent.

8.12.2003 (JAYANT PATEL,J)